IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L)NO. 1449 of 2006

Hiryanna S. Shetty .. Petitioner

versus

The State of Maharashtra & ors. .. Respondents

...

Mr.D.B. Sawant for the petitioner.

Mr.G.W. Mattos, AGP for respondent nos.1 to 3.

CORAM : D.G. KARNIK, J

DATED : 6th July 2006.

P.C.:

1. Heard learned counsel for the petitioner.

2. By this petition, petitioner challenges the order dated 12th June 2006 (Exhibit-I) dismissing the petitioner’s appeal and confirming the order of suspension of petitioner’s PPEL licence for a period of

60 days.

3. The petitioner runs a restaurant and is also allowed to serve liquor to the permit holders. A show cause notice was issued to the petitioner for breach of conditions of licence. After enquiry, Commissioner of Police, by his order dated 9th September 2004 came to the conclusion that the breaches of conditions of licence were proved. The Commissioner therefore imposed a penalty of suspension of the licence for a period of 60 days. Appeal filed before the State Government was dismissed but in the previous writ petition the matter was remanded back to the State Government for reconsideration. Thereafter, notice was issued to the petitioner and the matter was heard again after following the principles of natural justice. On re-hearing the State Government came to the conclusion that the breach of conditions of licences was proved and confirmed the order. That order is impugned in this petition.

4. Counsel did not address any argument regarding the breach of conditions of licence. However, he submitted that the punishment was harsh and should be reduced. Learned AGP submitted that this was not the

first breach but the petitioner was habitually committing breach. Atleast previous four occasions the petitioner was found violating conditions of licence and the petitioner was fined. He deserved no lineancy. Since the breach for which the licence was suspended is not disputed before me, the police authorities were entitled to take action. The action is not of a permanent cancellation of the licence but mere suspension of a licence for 60 days which does not seem to be disproportionate.

5. Writ Petition is rejected summarily.

(D.G. KARNIK, J)